

APR 12 2006

Paul J. Connor  
President and CEO  
Eastern Long Island Hospital  
201 Manor Place  
Greenport, New York 11944

Re: **Eastern Long Island Hospital Self-Audit**  
**Notice of Determination, Docket No: RCRA-02-2005-0872**

Dear Mr. Connor:

On January 20, 2005 and March 24, 2006, Eastern Long Island Hospital self-disclosed possible violations to the U.S. Environmental Protection Agency (EPA) pursuant to both EPA's "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations," 65 FR 19618, April 11, 2000, effective May 11, 2000 (Audit Policy) and the provisions of the Nassau Suffolk Hospital Council audit agreement with EPA, dated June 8, 2004. The EPA has reviewed the disclosure to determine eligibility under the guidelines of the Audit Policy and the audit agreement and is herein issuing a determination regarding this matter.

Pursuant to the Audit Policy and based on information provided, we have determined that the facility meets the conditions of the Audit Policy and the agreement for 100% elimination of the total gravity-based penalties of **\$226,740** which could have been otherwise assessed for the violations outlined in the disclosure reports. In addition, the potential economic benefits associated with the violations are 'de-minimis' and are also waived.

Listed below are the program-specific determinations for the disclosed violations that are regulated by EPA and eligible for penalty mitigation under the EPA audit.

**Air**

*A gravity-based penalty of **\$45,240** is being waived for the violation listed below.*

- Failure to maintain a current facility-wide air permit from the state.
- Failure to maintain required CFC records for two units.
- Failure to register refrigerant recover/recycling equipment with EPA.

**EPCRA**

*A gravity-based penalty of **\$34,000** is being waived for the violation listed below.*

- Failure to inventory Extremely Hazardous Substances.
- Failure to submit Material Safety Data Sheets.
- Failure to submit Annual Tier 2 reports.

**RCRA**

*A gravity-based penalty of **\$147,500** is being waived for the violations listed below.*

- Failure to identify and segregate hazardous from non-hazardous waste.

- Failure to confirm hazardous waste generator status.
- Failure to ensure that spent aerosol containers are devoid of hazardous waste prior to disposal.
- Failure to label hazardous waste containers properly.
- Failure to train personnel handling hazardous waste..
- Failure to seek arrangements with emergency responders, and to post emergency information next to phone.
- Failure to keep proper manifest records, and to meet exception reporting requirements.
- Failure to conduct weekly inspections of areas containing hazardous waste, and to ensure proper aisle space.
- Failure to ensure that transporter and disposal facilities are authorized.
- Failure to properly dispose of waste fluorescent lamps and batteries.
- Failure to document universal waste handler status.
- Failure to store waste fluorescent lamps & batteries in closed containers.
- Failure to label waste batteries with the initial date of accumulation.
- Failure to train universal waste-handling staff.

We look forward to continuing to work with you and Eastern Long Island Hospital, and wish you continued success with your efforts. Charles Zafonte of my staff has been designated as the EPA contact in this matter. Any questions or comments should be addressed to him at (212) 637-3515, fax # (212) 637-4086, or [zafonte.charles@epa.gov](mailto:zafonte.charles@epa.gov).

Sincerely,

Original signed by  
Patrick Durack

Dore LaPosta, Director  
Division of Enforcement and Compliance Assistance

bcc: J. Gorman, DECA-CAPSB  
D. Fiorito, DECA-CAPSB ✓  
C. Zafonte, DECA-CAPSB  
Files, DECA-CAPSB

# Enforcement Action Information Checklist/Concurrence Sheet

**Enforcement Action Name :** EASTERN LONG ISLAND HOSPITAL, NY

**Docket Number :** RCRA-02-2005-0872

<b>BRANCH CHIEF CHECKLIST</b>		
- Case Initiation and/or Case Conclusion Data Sheet(s) is Complete and Accurate [except for order/action signature date]	Yes	No
- Small Business, Federal Facility, National or Regional Priority, EJ designations are included, as appropriate	Yes	No
- Penalty Calculations have been reviewed and are correct	Yes	No / N.A.
- Environmental Benefit Calculations have been reviewed and are correct	Yes	No / N.A.
- Compliance Schedule information to be entered into the DECA "DATES" system within two weeks	Yes	N.A.
<p>- Check which box indicates the reason the Respondent doesn't want to develop a SEP.</p> <p><input type="checkbox"/> Administrative burden</p> <p><input type="checkbox"/> Small environmental staff</p> <p><input type="checkbox"/> Timing of SEP completion</p> <p><input type="checkbox"/> Increase overall cost</p> <p><input type="checkbox"/> Expiration of ALJ deadline with enforcement case moving to litigation</p> <p><input type="checkbox"/> Can't identify a SEP</p> <p><input type="checkbox"/> Expedited Settlement</p> <p><input type="checkbox"/> Other*</p> <p>* Explain reason for other:</p> <p>Please explain if there is a reason <u>EPA</u> does not want a SEP be developed. This NOD does not have the potential for a SEP</p>		
Branch Chief signature and date		

<u>Case Information, Penalty Calculations, and Environmental Benefit Calculations</u>	<u>Developed by</u> (signature and date)	<u>Reviewed by</u> (signature and date)
- Case Initiation and/or Case Conclusion Data Sheet(s)	<i>D. Fierito</i> 4/2/06	
- Penalty Calculations		<i>D. Fierito</i> 4/2/06
- Environmental Benefit Calculations (including "complying actions")		<i>D. Fierito</i> 4/2/06

NOD not yet issued

*Please return this sheet to Branch Chief after order is signed and dated.*



## EASTERN LONG ISLAND HOSPITAL, NY

## INJUNCTIVE RELIEF REVIEW

STATUTE/SECTION	Direct	Total Preventive	Total Site Mgmt.
CAA: Fail to maintain permit, to keep leak rate records, to register equipment.	NA	NA	Record keeping, permit application: \$500
EPCRA: Fail to inventory, and to provide MSDS and Tier 2 reports to proper authorities.	NA	NA	Record keeping, reporting, \$500/yr
RCRA: Fail to id, empty aerosol cans, label, train, manifest, dispose HW. Fail to keep generator records, post emergency info, weekly inspect, ensure authorized transporter/tsdf, UW 8.	NA	RCRA: disposal change, label, id, empty aerosol cans, manifest HW, ensure authorized transporter/tsdf: 231 gal, \$500 (e)	Record keeping, posting, planning, UW

Direct: NA

Preventive: RCRA: disposal change, label, id, empty aerosol cans, manifest HW, ensure authorized transporter/tsdf.

231 gal, \$500

Total Preventive: 231 gal \$500

Site Mgt: CAA: Record keeping, permit application: \$500

RCRA: Record keeping, posting, planning, UW: \$0

EPCRA: Record keeping, reporting: \$500

Total Site Mgt: \$1,000

